



02-26-07

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Doc Code:

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB#0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)****Docket Number (Optional)
HER0098**

First named inventor: William Goggin et al.

Application No.: 10/078,830

Art Unit: 3653

Filed: February 19, 2002

Examiner: Jeffery A. Shapiro

Title: METHOD OF STORING TEST DATA IN A FUEL DISPENSER

RECEIVED

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

MAR 01 2007

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of A CONTINUATION APPLICATION (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/27/2007 GUARDSF2 00000012 10078830
1500.00 03
01 FT:1453

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3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Adam F. Cox

Typed or printed name

BAKER & DANIELS LLP

Address

111 East Wayne Street, Suite 800, Fort Wayne, IN 46802

Address

February 23, 2007

Date

46,644

Registration Number, if applicable

260-424-8000

Telephone Number

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 23, 2007

Date

Signature

Adam F. Cox

Type or printed name of person signing certificate

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Sherry Brinkley

#7

Reviewer: OB Date: 2-23-07APPLICATION NO. 10/078830

<u>1. PETITION TYPE</u>	<u>CODE</u>
<u>R137(a) Petition</u>	<u>501</u>
<u>R137(a) Petition</u>	<u>509</u>
<u>(Issue Fee/Dwgs)</u>	
<u>X R137(b) Petition</u>	<u>502</u>
<u>R137(b) Petition (IFEE/DWG)</u>	<u>510</u>
<u>R53(e) Filing Date</u>	<u>412</u>
<u>R137(f) Petition</u>	<u>536</u>
<u>R183 Pet. (waive R67 sup. dec.)</u>	<u>516</u>
<u>R182 Petition-(inv. name chg., order of inv., atty/assig. name chg., dup. let. pat.)</u>	<u>519</u>
<u>R182 Petition - (omit.items w/postcard)</u>	<u>520</u>
<u>R183(susp./waive ex. rule, R59)</u>	<u>503</u>
<u>R378(b/e) Petition</u>	<u>532</u>
<u>R378(c) Petition</u>	<u>533</u>
<u>R377 Petition</u>	<u>521</u>
<u>R3.81(b) Petition</u>	<u>523</u>
<u>R181 Petition (rev. non-exam)</u>	<u>515</u>
<u>R181 Petition (rev.exam)</u>	<u>504</u>

<u>PETITION TYPE</u>	<u>CODE</u>
<u>R28c Petition (small to large)</u>	<u>321</u>
<u>R28c Petition (large to small)</u>	<u>320</u>
<u>R47 Petition</u>	<u>313</u>
<u>R53 Petition(Lost App., postcard rec., inc. by ref., conversions, misnum/mislabel. dwgs)</u>	<u>408</u>
<u>R10(d) Exp. Mail FD (USPS)</u>	<u>411</u>
<u>R10(c/e) Exp. Mail FD</u>	<u>416</u>
<u>R53 Pet. conv. to/from prov.</u>	<u>527</u>
<u>R78(a)(3)/(6)Petition</u>	<u>535</u>
<u>R55(c) Petition</u>	<u>535</u>
<u>R55(a) Petition</u>	<u>507</u>
<u>R183 Petition (corr.data 85b/pat)</u>	<u>538</u>
<u>R314 Petition</u>	<u>508</u>
<u>Pet. W/D Abn</u>	<u>525</u>
<u>R705(b) PTA-Bef iss</u>	<u>550</u>
<u>R705(d) PTA-Aft iss</u>	<u>551</u>
<u>R705(c) Reinstate red. term.</u>	<u>552</u>
<u>R701 PTE</u>	<u>553</u>
<u>Other</u>	

2. LIST PAPERS FILED WITH PETITIONS

<u>PreAmdt/Amdt</u>	<u>CPA</u>	<u>Associate POA</u>
<u>Filing Fees</u>	<u>RCE</u>	<u>Terminal Disclaimer</u>
<u>Reply/Arguments</u>	<u>IDS</u>	<u>Change of Address</u>
<u>Election</u>	<u>129(a) Submsn</u>	<u>Revocation/POA</u>
<u>Notice of Appeal</u>	<u>Issue Fee</u>	<u>Priority Documents</u>
<u>Brief (3)</u>	<u>Drawings</u>	<u>Request C of C</u>
<u>Reply Brief</u>	<u>Oath/Decl & POA</u>	<u>Rule 312 Amdt</u>
<u>Declaration R132</u>	<u>Ext Time ()</u>	<u>Statement 3.73b</u>

Other Papers

3. Is paper a petition to withdraw holding of abandonment: yes no
 If so, send paper and/or file to appropriate location (*Note: remove any flag set first!*):

- a. Nonreceipt of action from TC or assertion that reply was timely filed:
Send paper to TC
- b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
Send paper to -OIPE - CP2-5B26 - ATTN: Doshie Day
- c. Assertion of timely payment of issue fee and/or submission of drawings:
Send petition to Office of Publications: ATTN: Tom Hawkins
- d. Other

4. Other:
 If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)

36m1-36X1
01/08/07